

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

ROSIA TORREY	§	PLAINTIFF
	§	
v.	§	CAUSE NO. 1:06CV576
	§	
NORTHRUP GRUMMAN CORPORATION	§	DEFENDANT
	§	

**MEMORANDUM OPINION AND ORDER GRANTING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT
AND GRANTING LEAVE TO FILE AMENDED COMPLAINT**

THE MATTER BEFORE THE COURT is Defendant's Motion to Dismiss Or In The Alternative For Summary Judgment [2], filed November 14, 2006. Plaintiff has failed to file a timely response. The Defendant contends that it is entitled to judgment as a matter of law as to all of Plaintiff's racial discrimination claims because Plaintiff is not an employee of the Defendant. Rather, Plaintiff has been employed by Northrup Grumman Ship Systems, Inc., a subsidiary of Northrup Grumman Corporation, during the relevant time period. *See* Defendant's Exhibits "A" and "B." The named Defendant had no part in the employment decisions at issue in this case. Defendant's Exhibit "B." Despite being informed of her actual employer's identity almost five months ago, Plaintiff has made no effort to correct her pleadings.

The named Defendant in this case has shown there is no question of material fact for the jury. The uncontested evidence shows that Northrup Grumman Corporation was not Plaintiff's employer. Therefore, Plaintiff's employment discrimination claims against Northrup Grumman Corporation fail. *See Skidmore v. Precision Printing and Packaging, Inc.*, 188 F.3d 606, 616 (5th Cir. 1999) and *Kirshner v. First Data Corp.*, 2000 WL 1772759, *3 (N.D. Tex. 2000). However, it is the Court's opinion that Plaintiff should be given the opportunity to file an

amended complaint naming the appropriate defendant.

IT IS THEREFORE ORDERED AND ADJUDGED that Defendant's Motion to Dismiss Or In The Alternative For Summary Judgment [2] is **GRANTED**. Plaintiff's claims against Northrup Grumman Corporation are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff is granted leave to file an amended complaint on or before **April 20, 2007**. Failure to file an amended complaint by April 20, 2007 will result in an order of dismissal.

SO ORDERED AND ADJUDGED this the 6th day of April, 2007.

s/ Louis Guirola, Jr.
LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE